

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JANUARY 21, 2010

Members Present: William Derrer, **Chairman**
Thomas Utterback, **Sergeant at Arms**
J. Robert Barnes
Juan Dalla Rizza, P.E.
Mario Espineira, Jr.
Alfonso Fernandez-Fraga, P.E.
Carmen Garcia
Jesus Gomez
Herbert Gopman
Richard Horton, **Vice-Chairman**
John Kurzman
Gregory Pierce
Myron Rosner
Enrique Salvador
Paul L. Smith
Edward Woodward

Members Excused: Rolando Diaz, P.E.
Chief Virgilio Fernandez

Staff Present: Eduardo Gonzalez, Assistant County Attorney
Michael Goolsby, Acting Secretary of the Board
Nelly Nieves, Board Recording Secretary

Court Reporter: Tanya Settel, Official Reporting Services, LLC

The meeting commenced at 1:05 P.M.

MINUTES of December 17, 2009

Mr. Derrer requested a motion to **approve** the minutes of the **December 17, 2009** meeting. A motion was made by John Kurzman to accept the minutes as written. The motion was seconded by Gregory Pierce.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA:

APPEAL # 1: APPEAL OF BUILDING OFFICIAL; City of Sunny Isles Beach; 19200 Collins Avenue; Permit No. B2009-2259; Heritage Park Project; FBC Section 105.3.1; Issuance of a Building Permit; Jeffrey Bercow.

A continuance requested in writing by the City of Sunny Isles Beach prior to meeting and the item is deferred to February 18, 2010 Board meeting.

TCO/TCC APPEALS:

#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, North Terminal Development; C/D Shell Frame; MDAD Project 737E/737G; Permit No. 2001111801; Juan C. Arteaga.

John Thompson was present on behalf of the Miami-Dade Aviation Department.

A motion was made by Edward Woodward to grant the request for extension for 90 days. The motion was seconded by Gregory Pierce.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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TCO/TCC APPEALS:

#2 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, North Terminal Development; D-Connector Finish; MDAD Project 739H(SF); Permit No. 2003026424; Juan C. Arteaga.

John Thompson was present on behalf of the Miami-Dade Aviation Department.

A motion was made by Gregory Pierce to grant the request for extension for 90 days. The motion was seconded by Richard Horton.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

EMERGENCY AGENDA:

TCO/TCC APPEAL:

#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; C-D Infill Ramp Interior Finish; MDAD Project No. 739G; Permit No. 2003017623; Juan C. Arteaga.

The Chairman William Derrer asked the panel for a motion to hear the item on the Emergency Agenda.

A motion was made by Richard Horton and seconded to hear the item on the Emergency Agenda.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

John Thompson was present on behalf of the Miami-Dade Aviation Department.

A motion was made by Gregory Pierce to grant the request for extension for 90 days. The motion was seconded by Edward Woodward.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT # 1 – CERTIFICATION SUBCOMMITTEE REPORT and 2010 RE-CERTIFICATION REPORT

Richard Horton presented the report to the Board on behalf of Subcommittee Chairman Enrique Salvador.

Richard Horton indicated that the following individuals are being recommended for approval for Re-Certification for 2010. **(Per Attached Inspector Tracking System Applicants Yearly Report.)**

A motion was made by Gregory Pierce to accept the 2010 Inspector Tracking Report for Re-Certification of the Building Officials, Plans Examiners and Inspectors. The motion was seconded by Edward Woodward.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Richard Horton stated the following individuals are being recommended for **Rejection** for **Re-Certification** for 2010.

INSPECTOR:

REPRESENTING:

DISCIPLINES:

Coiffman, Bernardo L.

City of Sunny Isles Beach

Building Inspector – Structural

(“Failure to comply with Continuing Education Requirements”)

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REPORT # 1 – CERTIFICATION SUBCOMMITTEE REPORT and 2010 RE-CERTIFICATION REPORT

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Crews, Joseph W.	City of North Miami Beach	Building Inspector – Structural Inspector – Commercial Roofing Inspector – Residential Roofing Plans Examiner Building
	Town of Cutler Bay	Building Inspector – Structural Inspector – Commercial Roofing Plans Examiner Building
(“Failure to comply with Continuing Education Requirements”)		
Oliver, Sheila S.	City of North Miami	Mechanical Inspector Plans Examiner Mechanical
(“Failure to comply with Continuing Education Requirements”)		
Yocum, David B.	City of Miami Springs	Electrical Inspector Plans Examiner Electrical

Michael Goolsby informed the Board that Ms. Sheila Oliver was present to earn two (2) hours needed to be in compliance with continuing education requirements. A motion was made by Edward Woodward and seconded by Gregory Pierce to **approve Sheila Oliver for Re-certification for 2010.**

The motion **carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

A motion was made by Richard Horton to **deny for Re-certification: Bernardo Coiffman, Joseph Crews and David Yocum.** The motion was seconded by Edward Woodward.

The motion **carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Richard Horton stated the following individual are being recommended for **approval for New Certification** for 2010.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Annese Salvatore D.	Town of Surfside	Building Inspector – Structural Chief Building Inspector Plans Examiner Building
Cronin, John C.	Town of Surfside	Chief Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector
	Village of Virginia Gardens	Chief Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector
Gutkin, Leonard	Town of Surfside	Chief Electrical Inspector Plans Examiner Electrical
Guzman, Enrique I.	Town of Surfside	Electrical Inspector

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REPORT # 1 – CERTIFICATION SUBCOMMITTEE REPORT and 2010 RE-CERTIFICATION REPORT

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Hernandez, Jorge M.	Village of Palmetto Bay	Building Inspector – Structural Inspector – Commercial Roofing Inspector – Residential Roofing Plans Examiner Building
Perez, Angel L.	Village of Virginia Gardens	Electrical Inspector Plans Examiner Electrical
Perez, Jan Pierre	Town of Surfside	Chief Mechanical Inspector Mechanical Inspector Plans Examiner Mechanical
Rodriguez, Jorge M.	Town of Surfside	Building Inspector – Structural Plans Examiner Building
Wagoner, Peter R.	City of Coral Gables	Plans Examiner Building

A motion was made by Gregory Pierce to **approve** the **named individuals for New Certification for 2010**. The motion was seconded by Edward Woodward.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Richard Horton stated the following individuals are being recommended for **Rejection** for **New Certification** for 2010.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Gioia, Paul A.	City of North Bay Village	Building Inspector – Structural

(Applicant does not possess the required Standard Inspector Certification from the State of Florida DBPR. Mr. Gioia only holds a Building Code Administrator Certification and can only perform inspections in the municipality where certified as a Building Official, according to Florida Statutes 468.603 (1))

Michael Goolsby explained to the Board the referenced Florida Statute, which is the basis for the denial. Mr. Goolsby further explained that Mr. Gioia is the Building Official for the City of Surfside and, therefore, cannot perform functions outside the city in which he is a Building Official.

A motion was made by Herbert Gopman to **deny Mr. Gioia for New Certification as an inspector for the City of North Bay Village**. The motion was seconded by Richard Horton.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Guzman, Robert A.	City of Sunny Isles Beach	Roofing Inspector – Commercial
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(Applicant does not demonstrate the minimum experience level of 5 years in the roofing industry as required by the Code of Miami-Dade County, Section 8-21.2(g)(7)).

A motion was made by Gregory Pierce to **deny** Mr. Guzman for **New Certification**. The motion was seconded by John Kurzman.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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REPORT # 2 – GREGORY PIERCE – ROOFING SUBCOMMITTEE – HYBRID GREEN ROOF SYSTEM – DANIEL ARGUELLES - ARTEZANOS; 2007 FBC 1512.2.2; APPROVED TEST OF INNOVATIVE PRODUCT

Mr. Gregory Pierce requested that Jamie Gascon, Chief of Product Control Division, provide an update.

Mr. Jamie Gascon informed the Board that Daniel Arguelles' proposal for the Hybrid Green Roof System, as a Recover Over Existing Asphalt Shingle Roofs and as New Construction, was reviewed at the Subcommittee for all the required test items in order to meet the criteria to be issued a Notice of Acceptance (NOA). Mr. Gascon stated that of the six (6) key items discussed there was one minor adjustment on the fire testing that was deemed necessary. Further, he explained that on the fire testing consisting of a burning brand test, an intermediate flame test and a flame spread test it was determined that only the burning brand portion needs to be performed. Mr. Gascon indicated it was agreed that the laboratory will conduct an evaluation to then determine if further testing was necessary.

A motion was made by Gregory Pierce to accept the adjustment as presented by Mr. Gascon. The motion was seconded by Richard Horton.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

The Chairman William Derrer asked Mr. Gascon if the system is tested and approved does it have to come back to the Board or is it automatically issued an NOA.

Mr. Gascon stated that after successful testing it goes through the normal NOA application process. However, he indicated the Board members would receive information on the Notice of Proposed Action format when completed and approval recommendation is given.

Mr. Pierce stated to the Board members that considerable time had been spent clarifying the testing requirements. Mr. Pierce stated, however, should the applicant have a need for another Subcommittee meeting would be fine, but hopefully the issues were clear and this item can move forward through the review process.

The Chairman asked Mr. Arguelles if he wished to say anything.

Daniel Arguelles, President of Artezanos, indicated there was a lot of details to cover and the discussion went into depth providing an understanding on the criteria for the review. He stated the meeting was basically an attempt to remove some repetitive testing he felt was redundant. Mr. Arguelles commented he was satisfied with the results.

The Chairman asked Mr. Arguelles if he had a clear direction going forward.

Mr. Arguelles indicated that he was clear at this point.

DISCUSSION: ANNUAL ELECTIONS – CHAIRPERSON and VICE-CHAIRPERSON

A motion was made by Gregory Pierce to nominate William Derrer as Chairman and Richard Horton as Vice-Chairman for the next term. The motion was seconded by Carmen Garcia.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

There being no further business, the meeting adjourned at 1:20 P.M.